

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

TOOLASPRASHAD,

v.

IMMIGRATION & CUSTOMS ENFORCEMENT

CASE # 11-cv-922-HBS

PLAINTIFF'S OBJECTIONS TO DEFENDANT'S
SUBMISSION AND REQUEST FOR COSTS

Plaintiff files this objections seeking costs from defendant, as defendant has filed a letter-response dated July 17, 2012 and received July 18, 2012 (**attachment 1**). In this response defendant made reference to Attorney Kurt Saccone's¹ FOIA request, which has nothing to do with the issue at hand. As such, explanation follows:

I.

On June 23, 2011, plaintiff hand-delivered an FOIA request to ICE counsel in Immigration Judge John Reid's Courtroom. No response was provided. (**Comp. ¶ 1, Ex. 1**).

On July 11, 2011, plaintiff filed an FOIA Appeal. (**Comp. ¶ 4-5, Ex. 2**).

On July 11, 2011, ICE's Rachel Wilkie directed plaintiff to send his request to the Federal Communication Commission (FCC). (**Comp. ¶¶ 4-5, Ex. 3**).

On July 12, 2011, plaintiff sent a letter to Wilkie with copies served on Judge Reid, pointing out plaintiff made the FOIA, not Attorney Saccone. No response was provided. (**Comp. ¶ 6, Ex. 4**).

Based on the July 11, 2011, instructions by Wilkie, on July 15, 2011, plaintiff made an FOIA request to the National Record Center (NRC); and since no response was received on October 1, 2011, an FOIA appeal was taken with no response. (**Comp. ¶¶ 8-10, Exs. 5-6**). Plaintiff also sent an FOIA to the FCC as directed by Wilkie, and as of date no response has been provided.

II.

On July 20, 2011, Attorney Saccone in a letter to ICE Chief Counsel James Grable at Buffalo, advising in part,

¹ When the request was made Attorney Kurt Saccone wasn't plaintiff's attorney, and the records was necessary for Saccone's perusal. This FOIA action is not whether Attorney Saccone was provided with the FOIA documents, the fact, plaintiff made an FOIA request and defendant deliberately misdirected him to the FCC, failed to respond to the FOIA requests and appeals in clear violation of statutory requirements; as well as, failure to answer the four page Complaint. Attorney Saccone's FOIA request was made after this pro se plaintiff's request was made, and no answer was provided. Then plaintiff had to retain Attorney Saccone to advise on the FOIA, unnecessary costs created by defendant.

"... I did not file a FOIA request. I simply sent your agency my Notice of Entry of Appearance ... with the expectation that it would enable disclosure of the requesting alien's file to our firm, consistent with his request, which he filed pro se.

"... based on the ... letter of ... Toolasprashad, it is he who has filed a FOIA/PA request and is he who expects a response within the statutorily mandated time period. This matter is between ICE and ... Toolasprashad, and I do not understand why we have been involved. His request letter is dated June 23, 2011, and as I understand, it was served upon an ICE Assistant Chief Counsel in Court. I am quite confident Mr. Toolasprashad will pursue action in federal court on this matter if he does not receive an appropriate response from your agency within the permissible time period.

"... if we [Saccone & Dobosiewicz] were to request a copy of Mr. Toolasprashad's immigration file, we would certainly not file a FOIA request to the Federal Communication Commission, as your office's response directs. Mr. Toolasprashad is detained, with limited access to the library, yet it appears he capably filed a Privacy Act request for his immigration file, and your office's response is to misdirect him to the Federal Communications Commission."

(Attachment 2).

When plaintiff's request was filed attorney Saccone had nothing to do with the request, and Attorney Saccone's request was filed after plaintiff's and, still, defendant failed to respond to his hand-delivered request. His request to the NRC and appeal have never been responded to.

(Comp. Exs. 1-2, 5-6).

In fact, Attorney Saccone's FOIA request wasn't made until September 21, 2011, 90 days after plaintiff's hand-delivered request in Judge Reid's Courtroom, or 68 days from plaintiff's request sent to the National Records Center at Lee's Summit. **(Attachment 3)**. Because Attorney Saccone did not received response from defendant he made follow up concerning his request on October 5, 2011, and still got the runaround. In fact, in Attorney Saccone's October 5, 2011 letter he indicated,

"Please accept this letter and the attached September 21, 2011 request, [Attachment 3] as a resubmission of our Privacy Act request. If we do not receive a receipt or control number again within the prescribed time period, we will regard that as a rejection of our Privacy Act request and proceed to litigation." **(Attachment 4).**

None of plaintiff's pro se submissions were responded to. When an attorney has been given such runaround, not much imagination is necessary to see how pro se requests has been handled.

Defendant never responded to any of pro se plaintiff's request, misdirected plaintiff; then

slow-walked Attorney Soccone's request, when repeatedly delayed in plaintiff's preparation before the immigration judge was necessary. This disregard for the FOIA has caused plaintiff's prolonged detention, disruption with his preparation, and additional costs and expenses.

III.

Defendant failed to answer the Complaint in all respect and merely recycled their representation of the FOIA to Attorney Saccone, never acknowledged pro se requests and appeals, a showing of how pro se requests are deliberately mishandled and selectively respond to.

Defendant failed to address the issue of withholding the documents which prevented plaintiff from a proper and lengthy delay in preparing.

Defendant's failure to address the issue of his immigration matter being previously resolved in his favor when a letter was sent to President George Bush -- and he is certainly being illegally detained since the matter was previously resolved in his favor, **(Comp. ¶¶ 11-13, Exs. 7-8)**, and a hearing by this Court should immediately be conducted since plaintiff has thus far been unable to secure the sars of ICE's officials.

Defendant failed to address the issue of misdirecting requesters to the FCC, as plaintiff saw other detainees being misdirected in this same manner; however, those detainees were subsequently released to the community.

IV.

Defendant must be held accountable for costs incurred, as the Complaint requested. Attorney Saccone was retained to represent him on his immigration issue; however, because of defendant's tactics of non-compliance with statutory requirements when the FOIA request was initially hand-delivered, then mailed **(Comp. Exs. 1-2, 5-6)**, plaintiff had to retain Attorney Saccone separately to consult on the FOIA issue. Attorney Saccone has charged plaintiff \$1,240 in FOIA consultation and defendant must be held accountable for such costs. **(Attachment 5)**.


In the Complaint under Relief Requested ¶ 4, plaintiff requested of "[t]he Court hold Defendant liable for filing fees and costs incurred in this action." Therefore, the Court should order defendant to pay incurred costs, as well as the filing fees: filing fees of \$350 plus consultation of \$1,240, for a total of \$1,590. Moreover, the Court in its order states in part, "... unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor."

V.

In addition to what is explained herein, defendant did not objected to the Complaint and/or plaintiff's Relief Requested, and the Court should adopt in toto plaintiff's relief requested, including the fact that his immigration issue was previously resolved in his favor and that he has been illegally detained, and grant the relief as is explained. In the Complaint under Relief Requested plaintiff listed seven ¶¶, none of which has been addressed, ie, defendant deliberately misdirected plaintiff to the FCC, as plaintiff saw others were misdirected to the FCC; defendant has been illegally detaining plaintiff after his immigration issue was previously resolved when a letter was sent to President George Bush and plaintiff was advised "[d]eportation proceedings in your case has been canceled" (**Comp. Exs. 7-8**); that the Court hold defendant liable for the filing fees and costs; if necessary, the Court should appoint counsel to litigate this action for him; and, that the Court award other relief just and proper. Additionally, the Court should consider conducting a hearing as soon as possible either in-person or telephonically to allow pro se plaintiff to present this matter as he believes that he could do a better oral presentation than this written submission; and to show that his immigration issue was previously resolved and he is being detained illegally.²

I declare under penalty of perjury that the foregoing is true and correct. pursuant to 28 U.S.C. § 1746.

Respectfully submitted,


Toolasprashad
4250 Federal Drive
Batavia, NY 14020

CERTIFICATE OF SERVICE

I certify that a copy of "Plaintiff's Objections to Defendant's Submission and Request for Costs" has been mailed postage prepaid on this the 11th day of September, 2012, and addressed as:

Gail Y. Mitchell
Assistant U.S. Attorney
138 Delaware Avenue
Buffalo, NY 14202



² Although this is an FOIA action defendant has not objected to the Complaint and relief requested, and the Court should adopt same in toto and grant the relief sought; alternatively, conduct a hearing.



U.S. Department of Justice

United States Attorneys Office

Western District of New York

*Federal Centre
138 Delaware Avenue
Buffalo, New York 14202*

*716-843-5700
716-551-3052 (fax)*

**Writer's Extension: 833
E-mail: gail.y.mitchell@usdoj.gov**

July 17, 2012

Latchmie Toolasprashad
#35648936
Buffalo Federal Detention Facility
4250 Federal Drive
Batavia, New York 14020

**Re: Toolasprashad v. Immigration and Customs Enforcement
11-CV-0922**

Dear Mr. Toolasprashad:

In connection with the above-captioned case, I enclose a courtesy copy of the response of the National Records Center, United States Citizenship and Immigration Services, to the Freedom of Information Act/Privacy Act request that was made by your attorney, Kurt R. Saccone, Esq., regarding records pertaining to you. (The request was assigned tracking number NRC 2011 09 4997.)

The enclosed CD includes letters to Attorney Saccone, as well as the documents provided in response to request NRC 2011 09 4997.

Very truly yours,

WILLIAM J. HOCHUL, JR.
United States Attorney

BY: 
GAIL Y. MITCHELL
Assistant United States Attorney

/lmn
Encl.

ATTACHMENT 1

cc (w/out enclosure):

Kurt R. Saccone, Esq.
300 International Drive
Williamsville, NY 14221

SACCONI &
DOBOSIEWICZ LLP
IMMIGRATION ATTORNEYS

KURT R. SACCONI
PARTNER

July 20, 2011

Via Hand Delivery

James Grable, Esq., Chief Counsel
Immigration and Customs Enforcement
130 Delaware Avenue, 2nd Floor
Buffalo, New York 14202

COPY

RE: Toolaprashad, Latchmie
A35-648-936

Dear Mr. Grable:

I am in receipt of your office's fax of July 6, 2011, a copy of which is enclosed, and I am bewildered by it.

First, I did not file a FOIA request. I simply sent your agency my Notice of Entry of Appearance (Form G-28) for the above-referenced alien, with the expectation that it would enable disclosure of the requesting alien's file to our firm, consistent with his request, which he filed *pro se*.

Second, based on the attached letter of ICE detainee, Latchmie Toolaprashad, it is he who has filed a FOIA/PA request and it is he who expects a response within the statutorily mandated time period. This matter is between ICE and Mr. Toolaprashad, and I do not understand why we have been involved. His request letter is dated June 23, 2011, and as I understand, it was served upon an ICE Assistant Chief Counsel in court. I am quite confident Mr. Toolaprashad will pursue action in federal court on this matter if he does not receive an appropriate response from your agency within the permissible time period.

Third, if we were to request a copy of Mr. Toolaprashad's immigration file, we would certainly not file a FOIA request to the *Federal Communications Commission*, as your office's response directs. Mr. Toolaprashad is detained, with limited access to the library, yet it appears he capably filed a Privacy Act request for his immigration file, and your office's response is to misdirect him to the Federal Communications Commission.

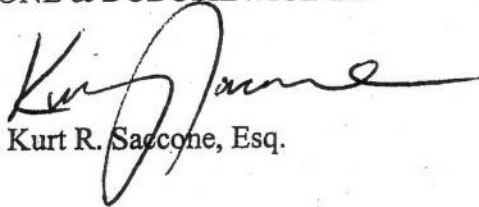
James Grable, Esq., Chief Counsel
July 20, 2011
Page 2 of 2

Mr. Toolaprashad does not need the assistance of our firm to avail himself of his rights under the Privacy Act to obtain a copy of his immigration file, and this will remain a matter between your agency and him.

Very truly yours,

SACCONE & DOBOSIEWICZ LLP

By:

A handwritten signature in black ink, appearing to read "Kurt R. Saccone", written over the printed name.

Kurt R. Saccone, Esq.

Enclosure

Office of the Chief Counsel

U.S. Department of Homeland Security
Buffalo Federal Detention Facility
4250 Federal Drive
Batavia, NY 14020



U.S. Immigration
and Customs
Enforcement

Facsimile Transmission

To:
Kurt Saccone

Phone:

Fax: 253-582-8919

From:
Office of Chief Counsel

Phone: 585-344-5135

Fax: 585 345-1997

Date:
7/6/11

Number of pages including cover:5

Mr. Saccone,

We received a request for FOIA from your office regarding alien # A35 648 936
As a courtesy I have attached the proper procedure which must be followed to
comply with Federal rules and regulations when requesting file information.
You may also refer to the federal website for any other information regarding
FOIA request at : <http://www.fcc.gov/guides/how-file-foia-request>.

Thank You

Rachel Wilkie, Legal Assistant

WARNING! This facsimile transmission cover sheet and any documents that accompany it are intended only for the individual or entity it is addressed to and may contain information that is privileged, confidential and exempt under applicable law. If the reader of this message is not the intended recipient, **YOU ARE HEREBY NOTIFIED** that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this communication in error, please notify us immediately by telephone and return the original message to us at the address above via the U.S. Postal Service.

**SACCONI &
DOBOSIEWICZ LLP**
IMMIGRATION ATTORNEYS

KURT R. SACCONI
PARTNER

FAX COVER

TO: Mike Dreher, Esq.
Assistant Chief Counsel

FAX NUMBER: 585-345-1997

FROM: Kurt R. Saccone

DATE: July 1, 2011

SUBJECT: A35-648-936

MESSAGE: G-28 attached, in furtherance of Respondent's FOIA request.

TOTAL PAGES: 3
(including cover)

*THIS IS A CONFIDENTIAL TRANSMISSION. IF YOU HAVE RECEIVED THIS FAX
TRANSMISSION IN ERROR, PLEASE CONTACT OUR OFFICE IMMEDIATELY*

*IF YOU RECEIVED AN INCOMPLETE OR ILLEGIBLE FAX TRANSMISSION, PLEASE
CONTACT US WITHIN 15 MINUTES FOR RETRANSMITTAL OF THIS DOCUMENT*

JUL 01 2011 15:26

SACCONE & DOBOSIEWICZ LLP 716-810-9221

P. 2

OMB No. 1515-0105; Expires 04/30/12

G-28, Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

Part 1. Notice of Appearance as Attorney or Accredited Representative

A. This appearance is in regard to immigration matters before:

☒ USCIS - List the form number(s): EOIA/PA☐ CBP - List the specific matter in which appearance is entered: _____☒ ICE - List the specific matter in which appearance is entered: _____EOIA/PA

B. I hereby enter my appearance as attorney or accredited representative at the request of:

List Petitioner, Applicant, or Respondent. NOTE: Provide the mailing address of Petitioner, Applicant, or Respondent being represented, and not the address of the attorney or accredited representative, except when filed under VAWA.

Principal Petitioner, Applicant, or Respondent			A Number or Receipt Number, if any	<input type="checkbox"/> Petitioner <input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Respondent
Name Last TOULASPRASHAD	First LATCHMIE	Middle LARAYAN	A35-848-136	
Address: Street Number and Street Name Apt. No. c/o ICE, BPDT 4250 Federal Drive		City Batavia	State NY	Zip Code 14020

Pursuant to the Privacy Act of 1974 and DHS policy, I hereby consent to the disclosure to the named Attorney or Accredited Representative of any record pertaining to me that appears in any system of records of USCIS, USCBP, or USICE

Signature of Petitioner, Applicant, or Respondent

Date

See Respondent's signed letter, dated June 23, 2011, attached.

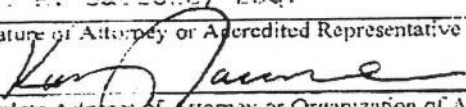
07/01/2011

Part 2. Information about Attorney or Accredited Representative (Check applicable item(s) below)

- A. ☒ I am an attorney and a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia: California
- I am not ☒ or ☐ am subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law (If you are subject to any order(s), explain fully on reverse side).
- B. ☐ I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals pursuant to 8 CFR 1292.2. Provide name of organization and expiration date of accreditation: _____
- C. ☐ I am associated with _____
The attorney or accredited representative of record previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request (If you check this item, also complete item A or B above in Part 2 whichever is appropriate).

Part 3. Name and Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

Name of Attorney or Accredited Representative Kurt E. Saccone, Esq.		Attorney Bar Number(s), if any 167630
Signature of Attorney or Accredited Representative 		Date 07-01-2011
Complete Address of Attorney or Organization of Accredited Representative (Street Number and Street Name, Suite No., City, State, Zip Code) Saccone & Dobosiewicz LLP, 300 International Drive, Ste. 100, Williamsville, NY 13291		
Phone Number (Include area code) (716) 810-9220	Fax Number, if any (Include area code) (716) 810-9221	E-Mail Address, if any ksaccone@SDBlawllp.com

June 23, 2011

Department of Homeland Security
Immigration & Customs Enforcement
4250 Federal Drive
Batavia, NY 14020

Attn: Prosecuting Attorney

RE: Freedom of Information/Privacy Act
File # 35 648 936

Dear Sir/Madam,

I am the prisoner identified in the above-referenced file.

This is a request pursuant to the Freedom of Information Act 5 U.S.C. § 552 and the Privacy Act 5 U.S.C. § 552a.

I am requesting that a copy of my immigration file, all documents pertaining to myself, including documents you proposed to use in prosecuting me be released to the below-listed attorney:

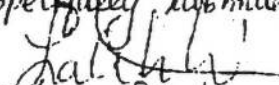
Kurt Saccone
Attorney at Law
300 International Drive
Williamsville, NY 14221
Phone: (716) 870-2262
Fax: (716) 810-9221

The FOIA provides that a determination must be made within 10 days of receiving the request.

Thank you for your time and consideration.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,


Latchmie Toolasprashad
#35 648 936
4250 Federal Drive
Batavia NY 14020

Guide

How To File A FOIA Request

How To File a FOIA Request

To make a FOIA request pursuant to 47 C.F.R. § 0.461, you have several options:

- You may fill out the Electronic FOIA Request Form and submit it to us;
- You may write to us via surface mail. If you choose to send your request via surface mail, you should include "Freedom of Information Act Request" at the top of your letter and on the outside of the mailing envelope, provide your daytime telephone number and/or daytime e-mail contact address so that our staff can get in touch with you during business hours if they have questions, and (d) provide as much information as possible regarding the request. You should also specify the maximum search fee that you are prepared to pay for this request. Send your request to:

Federal Communications Commission

445 12th Street, S.W., Room 1-A836

Washington, D.C. 20554

- You may e-mail your request to FOIA@fcc.gov, or fax it to (202) 418-2826 or (202) 418-0199. For surface mail submissions listed above.

Are There Fees for FOIA Requests?

Yes. Under the FOIA, the FCC is allowed to charge for our research and reproduction services unless you specify the amount of FOIA fees you are willing to pay. Please note, under 47 CFR § 0.461, search charges are likely to exceed \$25 or an amount which you have indicated you are willing to pay. We will charge prior to doing the search and give you the opportunity to revise or clarify your FOIA request.

- **Commercial use requesters** will be assessed charges that recover the full direct costs as

duplication of records.

- **Educational institutions, representatives of the news media, and non-commercial** for duplication only, and will not be charged for the first 100 pages.
- **News media requesters**, however, are entitled to a reduced assessment only when the r information.
- **The Commission will charge all other requesters who do not fit into any of the cat** reasonable direct cost of searching for and reproducing records that are responsive to the r the reproduction and the first two hours of search time shall be free of charge.

If you believe you are entitled to a restricted fee assessment, or a fee waiver, you must provide specificity the reasons demonstrating why you qualify for a restricted fee or a fee waiver, includir will not be used to further your commercial interests. Please consult the rules, 47 C.F.R. § 0.470 waiver.

The search fee is based on the salary level of the employee(s) who conducts the search. The fee specified grade level plus 20 percent to cover personnel benefits.

FOIA Search Fee Schedule

- 1/19/10

Modification of the Freedom of Information Act Fee Schedule.

Public Notice: Word | Acrobat

- 5/7/09

Modification of the Freedom of Information Act Fee Schedule.

Public Notice: Word | Acrobat

- 2/29/08

Amendment to the Fee Schedule for the Processing of Requests for Agency Record Information Act.

Order: Word | Acrobat

The reproduction fees are \$0.10 per page.

Outstanding fees. In certain circumstances, the FCC may request advance payment of fees. For example, if a billing date may result in interest charges being levied. If you have made FOIA requests in the past and have not yet paid those fees, we may determine not to process any additional FOIA requests until your outstanding requests are paid and you make an advance payment of the full amount of the estimated fee. We will estimate the FOIA fee(s) unless we determine that the fee is likely to exceed \$250 and the request is for records made FOIA requests previously and paid your fees promptly, we may notify you of the cost and request payment.

How To Check on the Progress of a FOIA Request?

While the FCC works to ensure you are aware of our progress in responding to your request, if you have already filed, you can contact the FOIA Requester Service Center at (202) 418-0440 or (202) 418-0441.

How To Register a Complaint or Concern about the FCC's Handling of a FOIA Request?

If you have a concern or complaint about how the FCC has handled your FOIA request, please contact the FOIA Requester Service Center at (202) 418-0440 or (202) 418-0441.

- E-mail: Shoko.Hair@fcc.gov
- Telephone: 202-418-1379
- Surface mail:

FOIA Public Liaison

Federal Communications Commission

445 12th Street, S.W., Room 1-A836

Washington, D.C. 20554

Related Topics

Consumers

Online Filing

FCC Reform

FOIA

How To File A FOIA Request | FCC.gov

Page 4 of 4

Federal Communications Commission
445 12th Street SW, Washington, DC 20554
Phone: 1-888-225-5322
TTY: 1-888-835-5322
Fax: 1-866-414-0232
E-mail: foia@fcc.gov

**SACCONE &
DOBOSIEWICZ LLP**
IMMIGRATION ATTORNEYS

KURT SACCONE
PARTNER

September 21, 2011

U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P. O. Box 648010
Lee's Summit, MO 64064-8010
uscis.foia@dhs.gov

Re: TOOLASPRASHAD, Latchmie
A035-648-936

Dear Sir/Madam:

I represent Mr. Toolasprashad. Attached is my Notice of Entry of Appearance as Attorney (Form G-28).

Pursuant to the Privacy Act, I hereby request a copy of Mr. Toolasprashad's A-file, and all electronic records related thereto. Attached is an executed Form G-639.

Also attached is a recent Notice of Hearing in Removal Proceedings to establish that Mr. Toolasprashad is in removal proceedings before the Immigration Court. We expect that this Privacy Act request be treated as a "Notice to Appear" fast-track request.¹ We will accept the FOIA on a CD-ROM.

Thank you for your attention to this matter. If any additional information is required please do not hesitate to contact our office at any time.

Very truly yours,

SACCONE & DOBOSIEWICZ LLP

By:


Kurt R. Saccone, Esq.

Attachments

¹ The "Notice to Appear" track allows for accelerated access to an Alien-file for individuals who have been served with a charging document and have been scheduled for a hearing before an immigration judge as a result. See Special FOIA Processing Track for Individuals Appearing Before an Immigration Judge; Final Rule, 72 Fed. Reg. 9017, 9018 (Feb. 28, 2007).

**SACCONE &
DOBOSIEWICZ LLP**
IMMIGRATION ATTORNEYS

KURT SACCONE
PARTNER

October 5, 2011

VIA FAX: (816) 350-5785

U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P. O. Box 648010
Lee's Summit, MO 64064-8010

Re: TOOLASPRASHAD, Latchmie
A035-648-936

COPY

Dear Sir/Madam:

Attached please find a copy of our Privacy Act request that was submitted via email on the morning of September 21, 2011. We have not received a receipt or control number in response to our request of September 21, 2011, only an auto email reply from your office. This is unacceptable.

Mr. Toolasprashad is detained in the custody of ICE and in Removal Proceedings before the Immigration Court.

Please accept this letter and the attached September 21, 2011 request, as a *resubmission* of our Privacy Act request. If we do not receive a receipt or control number again within the prescribed time period, we will regard that as a rejection of our Privacy Act request and proceed to litigation.

Very truly yours,

SACCONE & DOBOSIEWICZ LLP

By:


Kurt R. Saccone, Esq.

Attachments

SACCONE & DOBOSIEWICZ LLP
 300 INTERNATIONAL DRIVE
 WILLIAMSVILLE, NY 14221
 (716) 810-9220
 Tax ID # 20-2840939

ATTORNEY CLIENT PRIVILEGED AND CONFIDENTIAL

September 10, 2012

Latchmie Toolasprashad
 Buffalo Federal Detention Facilitate
 Batavia, NY 14020

RE: Latchmie Toolasprashad, A035-648-936
 FOIA/PA Matter

STATEMENT OF ACCOUNT

DATE	DESCRIPTION OF LEGAL SERVICES	HOURS*	AMOUNT
7/8/2011	Consultation regarding Client initiated Freedom of Information Act/Privacy Act (FOIA/PA) submitted to ICE during removal hearing and ICE rejection/response thereto. Flat fee.	n/a	750.00
7/20/2011	Review fax dated July 6, 2011 from ICE Chief Counsel's Office in Batavia, rejecting <i>pro se</i> FOIA/PA request, and misdirecting Client to file <i>pro se</i> FOIA/PA to the Federal Communications Commission (FCC); draft and transmit letter to James Grable, Chief Counsel, ICE-Buffalo, regarding ICE rejection of <i>pro se</i> FOIA/PA request and misdirecting Client to file <i>pro se</i> FOIA/PA to the FCC; telephone conference from James Grable re matter.	1.0	350.00
8/5/2011	Continued consultation, and preparation of FOIA/PA forms.	.2	70.00
9/21/2011	Draft cover letter and transmit FOIA/PA request	.1	35.00
10/5/2011	Draft cover letter and resubmit FOIA/PA request, due to lack of acknowledgement of prior request.	.1	35.00
	Total Legal Services		1240.00
	Payment		-1240.00
	Balance		0.00

Legal services are billed at a rate of \$350 per hour.

ATTACHMENT 5